

Remarks

Claims 14 and 18-27 are canceled above. Claims 1-13 and 101 are now pending.

Examiner Notes and Interview Summary

The Examiner's reminder and comment on page 2 of the action have been considered, and the Examiner's consideration in discussing this section with attorney Adam Pugh on September 17, 2008 is appreciated, during which the Examiner commented that art as pertinent as DE 19730610 could be material. It is noted that neither application Serial No. 10/513,497 nor 09/706,476 pertains to an oven including a regulation chamber with varying liquid level as now claimed. Moreover, it is noted that DE 19730610 appears to be directed to a cleaning method for an oven in which the oven chamber itself is partially filled with cleaning fluid that is then recirculated during oven cleaning. DE 19730610 does not appear to teach or suggest the use of a regulation chamber with varying liquid levels as now claimed. Applicant believes its duty of disclosure has been met with respect to the present application.

Claim Rejections – 35 USC §102

Claims 1-4, 7, 9-12, and 101 are rejected under 35 U.S.C. 102(e) as being anticipated by Hansen (6,987,246).

Independent claims 1 and 101 both require a regulation chamber filled at least in part with a liquid of volume adapted to vary between a high level and a low level, and an air admission duct which extends between a high end and a low end, the low end being closed by the liquid in the regulation chamber when the level of the liquid corresponds substantially to its high level. The Examiner identifies the pressure box 200 of Hanson as the regulation chamber and the vent tube 202 as the air admission duct. However, the low end of the vent tube 202 of Hanson is never closed by the liquid in the pressure box 200. The low end of the vent tube 202 opens above the overflow tube 204. A lateral baffle 218 is erected below the vent tube 202. The design of the pressure box 200 is such that the highest liquid level will not reach the low end of the vent tube 202, and thus the vent tube 202 will always stay open to air and not be closed by liquid.

The Action states that "the air admission duct is considered to be 'closed' by the chamber in that the chamber is a substantially confined space surrounding the outlet of the air admission duct". However, the claims do not say that the duct is closed by the chamber, but rather that the duct is closed by the liquid, which is not disclosed by Hansen. The Examiner's reading of the term "closed by the liquid" is not consistent with the claimed invention, which clearly does not consider the air admission duct closed by the liquid simply by virtue of the fact that it is within the regulation chamber, but also requires that the water level be in contact with the low end of the duct (see, e.g., paragraphs 0243-0248).

Because Hansen does not disclose a regulation chamber with an air admission duct having a low end closed by liquid as claimed, the rejection is respectfully traversed.

Claim 3, and claim 4 depending from claim 3, further require an evacuation tube extending between the exhaust opening of the enclosure and a high end which opens out into the evacuation chamber above the high and low liquid levels of the evacuation chamber. The Action indicates that the drain extension that connects the condensate tank 104A to the cooking chamber 14A of Hansen (analogous to the drain extension 114 of Figure 1 of Hansen) discloses this feature. However, neither end of this drain extension fits the requirements of the high end of the evacuation tube, which must open out into the evacuation chamber above its high and low levels. Only one end of the drain extension of Hansen opens into the condensate tank 104A of Hansen, and it opens below the liquid levels of Hansen. The Examiner points to "the end proximate to the exhaust opening", but that end is the exhaust opening end, and does not open out into the evacuation chamber as required by claim 3. Because Hansen does not disclose the evacuation tube connected to the enclosure and evacuation chamber as claimed, the rejection is respectfully traversed with respect to claims 3 and 4.

Claim Rejections – 35 USC §103

Claims 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen. These claims depend on claim 1, and so require the features of claim 1. As explained above, Hansen fails to teach or suggest features of claim 1. Accordingly, the rejection of claims 5, 6, and 8, is traversed for the same reasons.

Additionally, claim 5 requires a regulator, the regulator itself comprising the regulation chamber and the evacuation chamber, these two chambers constituting side by side volumes that are separated from each other at least in part via a partition internal of the regulator and that communicate with each other via a narrow passage in the partition adapted to allow the liquid to flow between these two chambers. Hansen does not disclose or suggest this structure. The pressure box 200 and condensation chamber 104A are not side by side volumes that comprise a regulator. Hansen does not teach or suggest them to have a unified structure or function, and does not teach or suggest that the condensation chamber may be moved from its functional position directly below the drain extension exiting the chamber 14A.

The Examiner cites MPEP 2144.04 for the proposition that "rearrangement of parts is considered prima facie obvious". The very section the Examiner cites says otherwise:

However, "The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

The cited art provides no such motivation or reason without the benefit of the present application. As such, the Examiner has not provided the evidence necessary to show prima facie obviousness in this case, and the rejection is respectfully traversed. Should this Response not prove persuasive, Applicant respectfully requests that Examiner identify the prior art that provides a motivation or reason to make the extensive structural and functional modifications necessary to transform the chambers in Hansen into the structure claimed.

Claim 6 additionally requires a second temperature probe in the regulation chamber for measuring the temperature of the gas coming into the enclosure via the air inlet. The Examiner points to sensor 85A of Hansen as disclosing this feature, claiming that sensor 85A is "proximate to the entrance of the air inlet". However, as clearly shown in Fig. 5 of Hansen, sensor 85A is nowhere near the inlet tube 208 of Hansen, which Examiner refers to as the air inlet. In fact, sensor 85A, which corresponds to sensor 85 of Hansen Fig. 3, is positioned in order to detect the temperature of the cooking chamber, not the temperature of the gas coming into the enclosure via the air inlet, as explained in column 5 lines 35-39 of Hansen: "An extra temperature sensor 85 can extend through the partition 24 near the heating elements 22 for providing cooking chamber

temperature input to the ECU 70." Because Hansen does not teach or suggest the second temperature probe of claim 6, the rejection of claim 6 is respectfully traversed on this additional ground.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Violi (5,552,578). Claim 13 depends from claim 1, and is patentable for at least the same reasons as claim 1. Claim 13 additionally requires that the exhaust opening communicates with a siphon adapted to evacuate liquids and condensates from the enclosure while preventing cold air from rising into the enclosure. As stated by the Action, Hansen does not teach or suggest this feature. The Examiner turns to the discharge pipes 9 of Violi, which are not discussed in Violi as being a siphon. Violi does not teach or suggest that the discharge pipes 9 are adapted to evacuate liquids and condensates from the enclosure while preventing cold air from rising into the enclosure. Since neither Hansen nor Violi teach or suggest the use of a siphon to prevent the entrance of air into the enclosure, there is not support in the cited art for the Examiner's assertion that one of ordinary skill would provide the discharge pipe of Hansen with a siphon for this purpose. In the absence of any such support, the rejection is respectfully traversed.

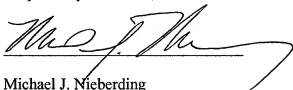
Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The Commissioner is hereby authorized to charge any additional fees required (including the fee for any extension of time), or to credit any overpayment, to Deposit Acct No.: 20-0809.

The examiner may contact the undersigned attorney with any questions regarding this paper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Nieberding', written over a horizontal line.

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